

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

AMERICAN FAMILY MUTUAL)	
INSURANCE COMPANY,)	
)	
Plaintiffs,)	
)	
v.)	Case No. 4:10CV2092 RWS
)	
DONNA REGH)	
)	
and)	
)	
BRUCE BRASWELL,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

Plaintiff American Family filed this complaint seeking a declaration that a policy of insurance it issued to Defendant Bruce Braswell does not provide coverage for injuries sustained by Defendant Donna Regh.

On July 19, 2009, Braswell gave Regh permission to operate Braswell's wave runner, which she did, on the Mississippi River. Regh injured herself on the wave runner. Regh filed a lawsuit against Braswell seeking to recover damages for her injuries in the case styled Regh v. Braswell, Cause No. 10-L-920, in the Circuit Court of Madison County, Illinois. At the time of Regh injuries, Braswell and his wave runner were covered by a boater's insurance policy issued by American Family.

American Family filed this action seeking a declaration that its insurance policy does not cover the Regh's injuries. Specifically, American Family asserts that Regh is deemed to be an insured under the policy and as such cannot recover for any of her bodily injuries under the

policy (other than a medical expense coverage of \$2,000 which has already been paid to Regh).

Braswell and Regh both signed separate waivers and service of summons on November 5, 2010 in which they acknowledged that their answer or other responsive pleading must be filed no later than January 4, 2011. To date neither Defendant has filed an answer or responsive pleading.


American Family filed a motion for a default judgment on January 31, 2011 and a motion for a Clerk's entry of Default on February 4, 2011. The Clerk of Court filed an entry of default on February 9, 2011.

After reviewing the record before me I find that American Family is entitled to a default judgment on its complaint against Braswell and Regh.

Accordingly,

IT IS HEREBY ORDERED that Plaintiff American Family's motion for default judgment [#5] is **GRANTED**.

A separate judgment will be entered in this matter.



RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE

Dated this 7th day of March, 2011.